



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

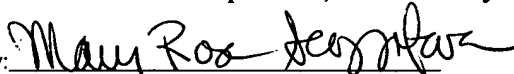
(Docket No.: EMP Hydrogel CON)

Re Application of: Eyal S. Ron, et al.  
Serial No.: 10/007,184  
Filing Date: November 13, 2001  
Title: END MODIFIED THERMAL RESPONSIVE HYDROGELS

**CERTIFICATE OF MAILING (37 C.F.R. § 1.6(d))**

*I hereby certify that this correspondence is deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450..*

Date: October 26, 2004

By:   
Mary Rose Scozzafava

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL**

Dear Commissioner:

Applicants hereby appeal the rejection of claims 41-69 in the above-identified application from the last Examiner Communication, which was an Advisory Notice dated July 29, 2004. A check to cover the Petition fee set forth in 37 C.F.R. § 41.20(b)(1) is enclosed. Applicant claims small entity status.

**Remarks**

**I. Claims Status**

Applicants would like to clarify the status of the claims pending in this application.

The Office Action dated January 23, 2004 renumbered pending claims 2-35 as claim 42-73; and an Advisory Action dated July 29, 2004 indicated that claims 41-73 were pending, and that claims 69-73 were withdrawn as directed to an unelected invention. Both of these statements are not entirely correct, in that claims 41-74 were pending after entry of the amended claims and claims 70-74 were directed to an unelected invention.

The Supplemental Response to Office Action filed August 5, 2004, clarified that claims 41-74 were pending; amended claims 43-69 to provide proper antecedent basis for renumbered

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Eyal S. Ron  
Signature

October 26, 2004

Date

Eyal S. RON

Typed or printed name

Registration Number, if applicable

Address

Telephone Number

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Check in the amount of \$855.00

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

October 26, 2004

Date

Mary Rose Scozzafava  
Signature

Mary Rose Scozzafava

Typed or printed name of person signing certificate